

August 20, 2015

Steve Rawlings
Alcohol Beverage Consulting
26023 Jefferson Avenue, Suite D
Murietta, CA 92562

**RE: 3845 SAN FERNANDO ROAD
ADMINISTRATIVE USE PERMIT CASE NO. PAUP 1506643**

(Quick Mart)

Dear Mr. Rawlings:

Pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.49, the Community Development Department processed your application for an Administrative Use Permit (AUP) to allow the off-site sale of beer and wine (ABC Type 20) at a retail store, located at **3845 San Fernando Road**, in the "SFMU" - (Commercial/Residential Mixed Use) Zone, described as Portion of Lot 4, Block 4, Tract 910, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

- (1) Off-site sales of beer and wine require an administrative use permit in the SFMU (Commercial/Residential Mixed Use) Zone.

APPLICANT'S PROPOSAL

- (1) To allow the off-site sales of beer and wine (Type 20 ABC license) at a retail store.

ENVIRONMENTAL DETERMINATION

The project is exempt from CEQA review as Class 1 "Existing Facilities" exemption pursuant to State CEQA Guidelines Section 15301.

After considering the evidence presented with respect to this application, the Director of Community Development Department has **APPROVED WITH CONDITIONS** your request based on the following findings:

REQUIRED FINDINGS

A. That the proposed use will be consistent with the various elements and objectives of the general plan.

The existing use will be consistent with the various elements and objectives of the General Plan. The 1,955 square foot retail store, is requesting off-site sales of beer and wine, which is an administratively permitted use in the Commercial/Residential (SFMU) zone with the approval of an administrative use permit. The economic activity generated by this retail convenience store is consistent with the objectives of the General Plan and the San Fernando Road Corridor Redevelopment Area. The proposed use is compatible with commercial and residential uses. The retail convenience store with off-site sales of beer and wine will be a complementary service to the adjacent businesses and is consistent with the various elements and objectives of the General Plan and the SFMU Zone.

B. That the use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment.

Similar uses exist in the area and within the community, which have not proven to be detrimental to the general welfare or the environment. It is anticipated that the off-site sales of beer and wine will not be detrimental to the community, ensured by the conditions of approval for the administrative use permit imposed by the Community Development Department and the Glendale Police Department. Quick Mart is located in census tract 3024.01, which allows for three Off-Sale establishments. There are currently seven Off-Sale licenses in this tract. Quick Mart will bring the total to eight. Based on arrests and Part 1 crime statistics for census tract 3024.01 in 2014, there were 455 crimes, above the citywide average of 173. However, recommended conditions of approval will ensure that crime would not be intensified.

C. That the use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property.

The recommended conditions will ensure that the off-site sales of beer and wine at a retail convenience store will not adversely affect or conflict with the adjacent uses.

D. That adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are or will be provided for the proposed use.

There are no changes or modifications requested at this time that would alter the

existing physical conditions at the site. The site currently has several off-street parking spaces that can be used for the adjoining tenant space, and no changes are proposed to the circulation or number of parking spaces provided from the previous use.

REQUIRED ADDITIONAL FINDINGS OF FACT FOR AN AUP FOR ALCOHOL SALES, SERVICE AND CONSUMPTION:

That all the following criteria (set forth in Section 30.49.030) have been met and thoroughly considered in making the findings in subsection A through D above:

- 1) That such use does not or will not tend to intensify or otherwise contribute to the adverse impacts on the surrounding area caused by over concentration. The Glendale Police department has not cited any concerns regarding the off-site sale of beer and wine in the retail space at this location.
- 2) That such use does not or will not tend to encourage or intensify crime within the district. The Glendale Police Department has not cited concerns regarding the intensification of crime due to the sale of alcoholic beverages at Quick Mart. The site has been crime-free and it is anticipated that it will continue to be so in the future.
- 3) That such use does not or will not adversely impact any other uses within the surrounding area (church, public or private schools or college, day care facility, public park, library, hospital or residential use). There are such uses in the vicinity: Glendale Memorial Hospital is one block to the North, Cerritos Elementary School and Cerritos Park are a quarter mile South-East, and there are at least three churches within a ten-minute walk from the convenience store. However, the San Fernando Road Corridor has many commercial uses similar to the Quick Mart. There is no indication that the sale of alcoholic beverages will adversely impact abovementioned uses.
- 4) That adequate parking exists on site to satisfy the transportation or parking needs for the existing use. There are no parking spaces provided for this tenant space; however, per Chapter 30.32 of the Glendale Municipal Code, the change of use for a tenant space does not require additional parking, when the previous use required more parking than the new use. It is not anticipated that there will be demand for additional parking for the retail store. In addition, the convenience store, being located within a densely populated, mixed-use area, will be in walking distance for many of its customers.
- 5) That the existing use will serve a public convenience purpose because the operation of retail store with off-site alcoholic beverage sales will be consistent with the intent for Mixed-Use Zones and the General Plan for the City of Glendale. Such uses are intended to serve the neighborhood's needs.

CONDITIONS OF APPROVAL

APPROVAL of this Administrative Use Permit shall be subject to the following conditions:

1. That the development shall be in substantial accord with the plans submitted with the application except for any modifications as may be required to meet specific code standards or other conditions stipulated herein to the satisfaction of the Director of Community Development.
2. That all necessary permits shall be obtained from the Building and Safety Division and all construction shall be in compliance with the Glendale Building Code and all other applicable regulations.
3. That all necessary licenses as required from Federal, State, County or City authorities including the City Clerk shall be obtained and kept current at all times.
4. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.
5. That the facilities shall not be rented, leased, or otherwise occupied for the purposes not specified in this application.
6. That any expansion or modification of the facility or use shall require a new administrative use permit. Expansion shall constitute adding of additional floor area, increased hours of operation, or any physical change as determined by the Planning Hearing Officer, with concurrence from the Director of Community Development.
7. That sufficient measures be enforced to effectively eliminate interior and exterior loitering, parking congestion, disturbing noise, disturbing light, loud conversation and criminal activities.
8. That signs indicating no loitering or trespassing be posted.
9. That store display racks be positioned such that they are in a clear line of sight by management and staff with no restricting view.
10. That access to the premises shall be made available upon request to all City of Glendale authorized staff (i.e. Community Development Department, Planning and Neighborhood Services Division, Building and Safety Division, Fire Department, Police Department, etc.) for the purpose of verifying compliance with all laws and the conditions of this approval.

11. That the off-site sales of beer and wine shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.
12. That the sale of beer and wine for consumption on the premises is strictly prohibited.
13. That individual unit sale of beer and wine shall be restricted to include individual unit sales for beer and individual unit sales of wine less than a full sized bottle.
14. That the proprietor and his/her employees shall make an active and conscientious effort to keep customers and employees from trespassing on other nearby properties or otherwise making disturbances in the area.
15. That signs be posted clearly specifying no sales to minors or intoxicated persons.
16. That the store provides training for its personnel regarding sales to minors or intoxicated persons. Alcohol Beverage Control staff is available and can provide this training.
17. That the use shall adhere to the City's Fresh Air (smoking) Ordinance, Title 15, Chapter 8.52 of the Glendale Municipal Code.
18. That a Business Registration Certificate shall be applied for and issued for a retail store with off-site sales of beer and wine subject to the findings and conditions outlined in this decision letter.
19. That authorization granted herein shall be valid for a period of **SEVEN (7) years until AUGUST 20, 2022.**

APPEAL PERIOD

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper City and public agency.

Under the provisions of the Glendale Municipal Code, Title 30, Chapter 30.62, any person affected by the above decision has the right to appeal said decision to the Planning Commission if it is believed that the decision is in error or that procedural errors have occurred, or if there is substantial new evidence which could not have been reasonably presented. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the

prescribed forms within fifteen (15) days following the actual date of the decision. Information regarding appeals and appeal forms will be provided by the Permit Services Center (PSC) or the Community Development Department (CDD) upon request and must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **September 4, 2015** at the Permit Services Center (PSC), 633 East Broadway, Room 101, Monday thru Friday 7:00 am to 12:00 pm, or at the Community Development Department (CDD), 633 East Broadway, Room 103, Monday thru Friday 12:00 pm to 5 pm.

APPEAL FORMS available on-line: <http://www.glendaleca.gov/appeals>

TRANSFERABILITY

This authorization runs with the land or the use for which it was intended for and approved. In the event the property is to be leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions and/or limitations of this grant.

VIOLATIONS OF THESE CONDITIONS

Violations of conditions required by this determination may constitute a misdemeanor or infraction under section 1.20.010 of the Glendale Municipal Code (GMC) and/or a violation of other local, State or Federal laws or regulations. Unless a specific penalty is provided, any person convicted of a misdemeanor shall be punished by a fine not to exceed one thousand dollars (\$1,000.00), or imprisonment for a term not to exceed six (6) months, or by both fine and imprisonment. Infractions are punishable by a fine not exceeding the sum of five hundred dollars (\$500.00) for each violation. Violations of conditions required by this determination may be grounds for a revocation.

REVOCATION, CONTINUING JURISDICTION

Section 30.16.610 of the Glendale Municipal Code, 1995, provides for the Director of Community Development to have continuing jurisdiction over any Administrative Use Permit which is or has been granted and may revoke any Administrative Use Permit in whole or in part at any time for failure to comply with any condition or requirement imposed at the time of approval.

GMC CHAPTER 30.4 PROVIDES FOR

Termination

Every right or privilege authorized by an administrative use permit shall terminate two (2) years after the granting of such, unless the exercise of such right or privilege has commenced in good faith prior to such time, except as otherwise provided for.

Extension

An extension of the administrative use permit may be requested one time and extended for up to a maximum of one (1) additional year upon receipt of a written request from the applicant and demonstration that a reasonable effort to act on such right and privilege has commenced within the two (2) years of the approval date. In granting such extension the applicable review authority shall make a written finding that neighborhood conditions have not substantially changed since the granting of the administrative use permit.

NOTICE – subsequent contacts with this office

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the case planner, **Kathy Duarte**, who can be reached direction at (818) 937-8163 or via email at kduarte@glendaleca.gov. This would include clarification and verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **by appointment only**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

Sincerely,

Phillip Lanzafame
Interim Director of Community Development


Erik Krause, Principal Planner

Cc: City Clerk (K.Cruz); Police Dept. (Lt.S.Bickle/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(D.Nickles); Dir. Of Public Works (R.Golanian); Traffic & Transportation Section (W. Ko/S. Vartanian); General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (G. Tom/S. Boghosian); Glendale Water & Power--Electric Section (V. Avedian/B. Ortiz); Parks, Recreation and Community Services Dept. (T. Aleksanian); Neighborhood Services Division (A. Jimenez); Integrated Waste Management Admin. (D. Hartwell); Maintenance Services Section Admin. (D. Hardgrove); Street and Field Services Admin.; Environmental Management (M. Oillataguerra); Ingrid Wilcox; and case planner Kathy Duarte.